

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 CAMERON SHEA, *et al.*,

14 Defendants.

CASE NO. CR20-0032-JCC

ORDER

15 This matter comes before the Court on the Government's motion to continue trial (Dkt.  
16 No. 154). Defendants Kaleb Cole and Cameron Shea are charged by superseding indictment with  
17 a variety of crimes stemming from their alleged plot to intimidate journalists, Jewish people, and  
18 people of color, as part of their alleged involvement in Atomwaffen. (Dkt. No. 94.) Trial is  
19 currently scheduled for March 22, 2021. (Dkt. No. 132.) The Government moves to continue the  
20 trial based upon the impact of the ongoing COVID-19 pandemic. (Dkt. No. 154 at 2–3.)  
21 Cameron Shea, who does not oppose, has filed a speedy trial waiver through August 31, 2021.  
22 (Dkt. No. 162.) Kaleb Cole objects to a continuance. (Dkt. No. 154 at 3.)

23 The Government seeks a continuance because the COVID-19 pandemic makes it unlikely  
24 that it will be possible to proceed with a jury trial on March 22, 2021. (*Id.* at 2–3.) The  
25 Government cites findings from General Order 18-20, which are incorporated by reference  
26 herein. (*See id.* at 2–3 (citing W.D. Wash., General Order No. 18-20 at 2 (Dec. 30, 2020).) The

1 Government also notes that multiple witnesses in this matter would need to travel from a variety  
2 of states with significant COVID-19 infection rates and that a wider potential jury pool may be  
3 required in this matter due to the publicity associated with this case. (*Id.* at 3.)

4 Having thoroughly considered the motion, the relevant record, and General Orders 01-20,  
5 02-20, 03-20, 04-20, 07-20, 08-20, 13-20, 15-20, and 18-20 of the United States District Court  
6 for the Western District of Washington, addressing measures to reduce the spread and health  
7 risks from COVID-19, which are incorporated herein by reference, the Court makes the  
8 following findings:

9 1. In light of the recommendations made by the Centers for Disease Control and  
10 Prevention (CDC) and Public Health for Seattle and King County regarding social  
11 distancing measures required to stop the spread of this disease, it is not possible to  
12 proceed with trial on the current case schedule. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

13 2. Because of the recommendations that the many individuals at higher risk of  
14 contracting this disease avoid large groups of people, and because vaccination of  
15 those groups is not complete, it would be difficult, if not impossible, on the current  
16 case schedule and in the current circumstances to obtain a jury pool that would  
17 represent a fair cross section of the community. *See* 18 U.S.C. § 3161(h)(7)(B)(i).  
18 Based on the recommendations, it would also be medically inadvisable to do so.

19 3. As a result, the failure to continue the trial date in this case would likely result in a  
20 miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

21 4. The ends of justice served by continuing the trial in this case outweigh the best  
22 interest of the public and Defendant in a speedier trial. 18 U.S.C. § 3161(h)(7)(A).

23 Accordingly, the Court ORDERS:

24 1. The March 22, 2021 trial date and the February 22, 2021 pretrial motions deadline are  
25 hereby STRICKEN;  
26 2. The parties are ORDERED to appear for a remote status conference in this matter on

1 March 24, 2021 at 9 a.m. to propose a new trial date.

2 3. The period of time between the date of this Order and the date of the status  
3 conference is an excludable time period under 18 U.S.C. § 3161(h)(7)(A).

4 DATED this 16th day of February 2021.

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John C. Coughenour  
UNITED STATES DISTRICT JUDGE